

118TH CONGRESS
2D SESSION

H. R. 9269

To amend the Internal Revenue Code of 1986 to provide an income tax credit for fertility treatments.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2024

Mr. LAWLER (for himself and Mr. MOLINARO) introduced the following bill;
which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to provide
an income tax credit for fertility treatments.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “IVF Access and Af-
5 fordability Act”.

6 **SEC. 2. CREDIT FOR FERTILITY TREATMENTS.**

7 (a) IN GENERAL.—Subpart A of part IV of sub-
8 chapter A of chapter 1 of the Internal Revenue Code of
9 1986 is amended by inserting before section 24 the fol-
10 lowing new section:

1 **“SEC. 23A. CREDIT FOR FERTILITY TREATMENTS.**

2 “(a) ALLOWANCE OF CREDIT.—In the case of an eli-
3 gible individual, there shall be allowed as a credit against
4 the tax imposed by this chapter for the taxable year an
5 amount equal to the assisted reproductive technology ex-
6 penses paid or incurred during the taxable year.

7 “(b) LIMITATIONS.—

8 “(1) DOLLAR LIMITATION.—

9 “(A) IN GENERAL.—The amount of the
10 credit under subsection (a) for any taxable year
11 shall not exceed \$20,000.

12 “(B) SPECIAL RULE.—In the case of two
13 individuals filing a joint return or an individual
14 filing as a surviving spouse (as defined in sec-
15 tion 2(a)) with respect to a taxable year in
16 which both individuals, or the individual and
17 the spouse of such individual, incur assisted re-
18 productive technology expenses, subparagraph
19 (A) shall be applied by substituting ‘\$40,000’
20 for ‘\$20,000’.

21 “(2) INCOME LIMITATION.—

22 “(A) IN GENERAL.—The amount otherwise
23 allowable as a credit under subsection (a) for
24 any taxable year shall be reduced (but not
25 below zero) by an amount which bears the same
26 ratio to the amount so allowable as—

1 “(i) the amount (if any) by which the
2 taxpayer’s adjusted gross income exceeds
3 \$200,000, bears to

4 “(ii) \$100,000.

5 “(B) SPECIAL RULE.—In the case of a
6 joint return or a surviving spouse (as defined in
7 section 2(a)), subparagraph (A) shall be applied
8 by substituting ‘\$400,000’ for ‘\$200,000’ and
9 ‘\$600,000’ for ‘\$300,000’.

10 “(C) DETERMINATION OF ADJUSTED
11 GROSS INCOME.—For purposes of subparagraph
12 (A), adjusted gross income shall be determined
13 without regard to sections 911, 931, and 933.

14 “(3) DENIAL OF DOUBLE BENEFIT.—

15 “(A) IN GENERAL.—Any assisted repro-
16 ductive technology expense taken into account
17 for purposes of any deduction (or any credit
18 other than the credit allowed under this section)
19 shall be reduced by the amount of the credit al-
20 lowed under subsection (a) with respect to such
21 expense.

22 “(B) REIMBURSEMENT.—No credit shall
23 be allowed under subsection (a) for any expense
24 to the extent that payment for such expense is

1 made, or reimbursement for such expense is re-
 2 ceived, under any insurance policy or otherwise.

3 “(c) CARRYFORWARDS OF UNUSED CREDIT.—

4 “(1) IN GENERAL.—If the credit allowable
 5 under subsection (a) exceeds the limitation imposed
 6 by section 26(a) for such taxable year reduced by
 7 the sum of the credits allowable under this subpart
 8 (other than this section and section 25D), such ex-
 9 cess shall be carried to the succeeding taxable year
 10 and added to the credit allowable under subsection
 11 (a) for such succeeding taxable year.

12 “(2) LIMITATION.—No credit may be carried
 13 forward under this subsection to any taxable year
 14 after the 5th taxable year after the taxable year in
 15 which the credit arose. For purposes of the pre-
 16 ceding sentence, credits shall be treated as used on
 17 a first-in, first-out basis.

18 “(d) ASSISTED REPRODUCTIVE TECHNOLOGY.—For
 19 purposes of this section, the term ‘assisted reproductive
 20 technology’ has the meaning given such term in section
 21 8 of the Fertility Clinic Success Rate and Certification
 22 Act of 1992 (42 U.S.C. 263a–7).

23 “(e) ELIGIBLE INDIVIDUAL.—For purposes of this
 24 section, the term ‘eligible individual’ means the taxpayer,
 25 the spouse of the taxpayer, or a dependent of the taxpayer.

1 “(f) SPECIAL RULES.—

2 “(1) MARRIED COUPLES MUST FILE JOINT RE-
3 TURNS.—Rules similar to the rules of paragraphs
4 (2), (3), and (4) of section 21(e) shall apply for pur-
5 poses of this section.

6 “(2) DENIAL OF DOUBLE BENEFIT FOR DE-
7 PENDENTS.—No credit shall be allowed under this
8 section to a taxpayer who is a dependent (as defined
9 in section 152(a)) for assisted reproductive tech-
10 nology expenses for which a credit has been claimed
11 by another taxpayer under this section.”.

12 (b) CONFORMING AMENDMENTS.—

13 (1) The table of sections for subpart A of part
14 IV of subchapter A of chapter 1 of the Internal Rev-
15 enue Code of 1986 is amended by inserting after the
16 item relating to section 23 the following new item:

“Sec. 23A. Credit for fertility treatments.”.

17 (2) Section 23(c)(1) of such Code is amended
18 by striking “section 25D” and inserting “sections
19 23A and 25D”.

20 (3) Section 25(e)(1)(C) of such Code is amend-
21 ed by inserting “, 23A,” after “23”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to taxable years beginning after
24 the date of the enactment of this Act.